IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Crl.Rev.Pet.No. 425 of 1999()

CC.104/1997 of JUDL.MAGISTRATE OF FIRST CLASS-II, MUVATTUPUZHA , DT..1.3.99.
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REVN. PETITIONER: PETITIONER/ COMPLAINANT

MATHAI, S/O.VARKEY,
KUNNEL HOUSE, KADALIKKAD

BY ADV. SRI.K.K.CHANDRAN PILLAI

RESPONDENTS: RESPONDENTS / ACCUSED & ANOTHER
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1. **SURESH, S/O. KUNJU, ERUPOOLUMKATTIL HOUSE, KADALIKKAD, SECRETARY, THE NATIONAL READING CLUB AND PUBLIC LIBRARY, KADALIKKD, REG. NO.07-MPA, 2501.**

2. **JAYA GEORGE, W/O. GEORGE, NAMBIAPARAMBIL HOUSE, KADALIKKAD, PRESIDENT, NATIONAL READING CLUB AND PUBLIC LIBRARY, KADALIKKAD, REG. NO.07-MPA. 2501.**

3. **JOSEPH ,. S/O. IYPE, POTTAYIL HOUSE, KADALIKKAD.**

4. **MARTHAKUTTY, W/O. JOSEPH, POTTAYIL, HOUSE, KADALIKKAD.**

5. **STATE OF KERALA, REP.BY DIRECTOR GENERAL OF PROSECUTION, HIGH COURT OF KERALA, ERNAKULAM.**

BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09 /07/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.MP. 1809/1999 IN CRRP. NO.425/1999

DISMISSED

09.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

Crl. R.P. No.425 of 1999

Dated 9th July, 2007

ORDER

Revision petitioner who is the complainant in C.C.No.104/97 has sought for altering the charge in the matter. The court had framed charge under section 420 IPC only, against the four accused in the case. The complaint filed alleging offences under sections 406 and 120B IPC. It is the case of the complainant/revision petitioner that he omitted to note the fact that charge was framed under section 420 IPC only. It is thereafter the application was filed. It is mentioned in the order of the court below that the application is filed only to harass the accused in the matter and that too the petition is filed at a belated stage.

2. I find that the complaint is with respect to the property allegedly entrusted by way of a settlement deed with the specified objective that the petitioners should construct a library building and use it as a library for the members of the club to which the property was entrusted.

The allegation is that in violation of the above specification in the document, the property was exchanged with the property of A3 and A4. The charge framed is only under section 420 IPC. I find that the matter requires reconsideration. The order of the court below is set aside. The court below is directed to reconsider the matter. The matter will stand posted for hearing before the court below on 4-8-2007.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.NO. 425 OF 1999

ORDER

9-7-2007.